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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,333	11/19/2001	Yuichi Narita	110982	8553
25944	7590	10/18/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LASTRÁ, DANIEL	
			ART UNIT 3622	PAPER NUMBER

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,333

Applicant(s)

NARITA ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/19/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-30 have been examined. Application 09/988,333 (AWARD POINT SERVICE SYSTEM, RECORDING MEDIUM FOR USE THEREIN AND AWARD POINT SERVICE METHOD) has a filing date 11/19/2001 and foreign priority 11/20/2000.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 19-21 and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Postrel (US 6,594,640).

Claim 1, Postrel teaches:

An award point service system, comprising:

a point issuing device that issues points to a customer who purchases an article (see col 9, lines 55-65);

a memory that stores data of the points issued to the customer (see col 9, lines 55-65);

a data access permitting device that permits the data of the points issued to the customer to be read from the memory (see col 9, lines 55-65); and

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a point reducing device that allows use of at least a part of the points read from the memory by subtracting the at least points from the data of the points stored in the memory (see col 4, lines 10-20);

wherein at least one virtual store established on a network is accessible to the point issuing device (see figure 4); and wherein at least one actual store is accessible to the point reducing device (see col 9, lines 55-65 "vender associated with a computer connected to the Internet").

Claim 2, Postrel teaches:

An award point service system according to claim 1, wherein the at least one actual store is accessible to the point issuing device (see col 9, lines 55-65).

Claim 3, Postrel teaches:

An award point service system according to claim 1, wherein the at least one virtual store is accessible to the point reducing device (see col 4, lines 4-45).

Claim 4, Postrel teaches:

An award point service system according to claim 2, wherein the at least one virtual store is accessible to the point reducing device (see col 4, lines 4-45).

Claim 5, Postrel teaches:

An award point service system according to claim 1, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 6, Postrel teaches:

An award point service system according to claim 2, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 7, Postrel teaches:

An award point service system according to claim 3, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 8, Postrel teaches:

An award point service system according to claim 4, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 9, Postrel teaches:

An award point service system according to claim 1, wherein the data access permitting device comprises a terminal provided in the actual store (see col 9, lines 55-65), and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 10, Postrel teaches:

An award point service system according to claim 2, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 11, Postrel teaches:

An award point service system according to claim 4, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 12, Postrel teaches:

An award point service system according to claim 3, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 13, Postrel teaches:

An award point service system according to claim 5, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 14, Postrel teaches:

An award point service system according to claim 9, wherein the recording medium comprises a medium used for making a payment (see col 9, lines 55-65).

Claim 19, Postrel teaches:

An award point service system, comprising:

a point issuing device that issues points to a customer who purchases an article (see col 9, lines 55-65);

a memory that stores data of the points issued to the customer (see col 9, lines 55-65);

a data access permitting device that permits the data of the points issued to the customer to be read from the memory (see col 9, lines 55-65), and

a point reducing device that allows use of at least a part of the points read from the memory by subtracting the at least points from the data of the points stored in the memory (see col 9, lines 55-65); wherein at least one virtual store established on a network is accessible to the point reducing device (see col 4, lines 1-45); and wherein at least one actual store is accessible to the point issuing device (see col 9, lines 55-65).

Claim 20, Postrel teaches:

An award point service system according to claim 19, wherein the at least one virtual store is accessible to the point issuing device (see col 4, lines 1-45).

Claim 21, Postrel teaches:

An award point service system according to claim 19, wherein the at least one actual store is accessible to the point reducing device (see col 9, lines 55-65).

Claim 23, Postrel teaches:

An award point service system according to claim 19, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 24, Postrel teaches:

An award point service system according to claim 20, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 25, Postrel teaches:

An award point service system according to claim 21, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 26, Postrel teaches:

An award point service system according to claim 23, wherein the recording medium comprises a medium used for making a payment (see col 9, lines 55-65).

Claim 27, Postrel teaches:

A recording medium used in a point service system including an award point issuing device that issues points to a customer who purchases an article, a memory that stores data of the points issued to the customer (see col 9, lines 55-65), a data access permitting device that permits the data of the points issued to the customer to be read from the memory (see col 9, lines 55-65), and a point reducing device that allows use of at least a part of the points read from the memory by subtracting the at least points from the data of the points stored in the memory, wherein the recording medium transmits and receives the data of the points to and from the data access permitting device, and



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wherein the recording medium stores the points issued or reduced by any of at least one if virtual store and at least one actual store (see col 9, lines 55-65).

Claim 28, Postrel teaches:

A recording medium according to claim 27, comprising an IC card having an IC chip (see col 9, lines 55-65).

Claim 29, Postrel teaches:

An award point service management method comprising the steps of issuing points to a customer who purchases an article in at least one of virtual stores established on a network;

recording the issued points (see col 9, lines 55-65); and

as subtracting points used by the customer from the data of the points stored in a memory in at least one of actual stores such that the points are used by the customer for purchasing an article in the at least one of actual stores (see col 9, lines 55-65).

Claim 30, Postrel teaches:

An award point service management method comprising the steps of: issuing points to a customer who purchases an article in at least one of actual stores (see col 9, lines 55-65);

recording the issued points (see col 9, lines 55-65); and

subtracting points used by the customer from the data of the points stored in a memory in at least one of virtual stores such that the points are used by the customer for purchasing an article in the at least one of virtual stores (see col 9, lines 55-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel (US 6,594,640) in view of Taylor (US 5,578,808).

Claims 15-18 and 22, Postrel fails to teach:

An award point service system according to claim 2, wherein the memory device includes a fast memory that stores points issued to the customer in the virtual store and a second memory that stores points issued to the customer in the actual store. However, Taylor teaches a smart card that stores point information from a plurality of vendors (see col 3, lines 20-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Matsumoto teaches an IC card automated transaction terminal.
- Ikeda teaches a point service system.

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- Boyd teaches an offline-online incentive points system

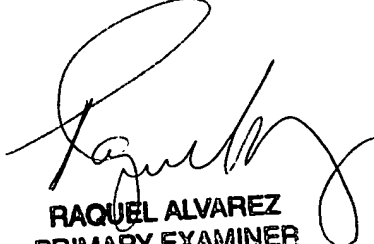
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
September 23, 2006

  
RAQUEL ALVAREZ  
PRIMARY EXAMINER